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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,308	10/31/2003	Tremitchell Wright	US20030459	3931

7590 04/19/2007
WHIRLPOOL PATENTS COMPANY - MD 0750
Suite 102
500 Renaissance Drive
St. Joseph, MI 49085

EXAMINER

KHAN, AMINA S

ART UNIT	PAPER NUMBER
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1751

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/19/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/699,308

Applicant(s)

WRIGHT ET AL.

Examiner

Amina Khan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 and 42-60 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34 and 42-60 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 12/7/2006
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This office action is in response to applicant's amendments filed on September 19, 2006.
2. Claims 1-34 and 42-60 are pending. Claims 35-41 have been cancelled. Claims 1,3,16 and 27 have been amended. Claims 51-60 are new.
3. The rejection of claims 3,16, 44 and 45 are rejected under 35 U.S.C. 112, second paragraph is withdrawn.
4. The rejection of claims 3,27,37,38,44 and 45 under 35 U.S.C. 112, second paragraph is withdrawn.
5. Claims 44 and 45 stand rejected under 35 U.S.C. 112, second paragraph, for the reasons set forth in the previous office action.
6. The rejection of claims 1,2,4,35,36 and 39 under 35 U.S.C. 102(b) as being anticipated by Estes et al. (US 6,045,588) is withdrawn.

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7. The rejection of claims 5,6,7,and 8 under 35 U.S.C. 103(a) as being unpatentable over Estes et al. (US 6,045,588) in view of Evers et al. (US 2003/0097718) is withdrawn.

8. Claims 12-15,17,18 and 22 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Estes et al. (US 6,045,588) and further in view of Evers et al. (US 2003/0097718) for the reasons set forth in the previous office action.

9. The rejection of claims 9-11,21,27,34 and 45 under 35 U.S.C. 103(a) as being unpatentable over Estes et al. (US 6,045,588) and Evers et al. (US 2003/0097718) in view of Fyvie et al. (US 2004/0117920) is withdrawn

10. Claims 19-20,24-26,28-33,42,43 and 47-48 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Estes et al. (US 6,045,588) and Evers et al. (US 2003/0097718) and further in view of Fyvie et al. (US 2004/0117920) for the reasons set forth in the previous office action.

11. Claims 23,46 and 50 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Estes et al. (US 6,045,588), Evers et al. (US 2003/0097718) and Fyvie et al. (US 2004/0117920) and further in view of Deak et al. (US 2005/0187125) for the reasons set forth in the previous office action.

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 1,2,4,51,54 and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Estes et al. (US 6,045,588) in view of Check (US 4,345,297).

Estes et al. teach methods of cleaning comprising delivering a wash liquor comprising a substantially non-reactive, non-aqueous, non-oleophilic, apolar working fluid and a washing additive to a fabric load confined in a wash container and applying mechanical energy (column 2, lines 56-63). Estes et al. further teach that the washing additive be chosen from surfactants, enzymes, bleaches, deodorizers, fragrances, anti-static agents and anti-stain agents (column 3, lines 27-31). Estes et al. further teach that the working fluid has the following properties: surface tension of less than or equal to 35 dynes/cm²; a KB value of less than or equal to 30; and solubility in water of less than about 10% (column 3, lines 1-6).

Estes et al. are silent as to the language "selected from the commercial group of non-spark generating materials" and do not explicitly teach the limitations of the working fluid "selected from the commercial group of non-spark generating materials" as recited in the instant independent claims. Estes et al. further do not teach apparatus components which dissipate static electricity.

Check teaches adding a device for discharging electrostatic fields in a dry cleaning washer by positioning a source of radioactive materials from which electrons flow in a fluid path in said washer (abstract). One of ordinary skill would have been motivated to combine the teachings of the references absent unexpected results.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the dry cleaning methods of Estes by incorporating into the apparatus the static discharging device of Check because Check teaches that the device is useful in continuously discharging static electricity from dry cleaning fluids to prevent redeposition of soil particles in garments being cleaned in the solvent (column 1, lines 30-50). Furthermore, it is reasonable to presume that the working fluids and adjuvants "selected from the commercial group of non-spark generating materials" are encompassed by Estes because the prior art teaches in its specification the same materials (perfluorocarbons, hydrofluoroethers, fluorinated hydrocarbons and fluoroinerts; column 3, lines 18-20) as taught in the specification of the instant application (perfluorocarbons, hydrofluoroethers, fluorinated hydrocarbons and fluoroinerts; page 13, paragraph 0129, lines 2-5) and the same properties of those materials as the instant application. Estes further teaches anti-static agents as adjuvants. The burden is on the applicant to prove otherwise. In re Fitzgerald, 205 USPQ 594.

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14. Claims 1,2,4,51 and 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Estes et al. (US 6,045,588), as applied to the claims above, in view of Nakagawa (JP 403128098).

Estes et al. are relied upon as set forth above.

Estes et al. do not teach apparatus components which dissipate static electricity by increasing humidity.

Nakagawa teaches suppressing the generation of static electricity by humidifying the inside of a washing tank of a dry cleaning machine (abstract).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the dry cleaning methods of Estes by incorporating into the apparatus the humidifying static discharging device of Nakagawa because Nakagawa teaches that the device is useful in suppressing the generation of static electricity in dry cleaning processes.

15. Claims 1-4,11 and 51-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Estes et al. (US 6,045,588) as applied to the claims above, in view of Berndt et al. (US 6,059,845).

Estes et al. are relied upon as set forth above.

Estes et al. do not teach conductive polymers which dissipate static electricity and adjusting the temperature of the apparatus to 30 degrees below the flash point of the working fluid.

Berndt et al., in the analogous art of dry cleaning, teach the importance of controlling the temperature of the cleaning basket to 30°F or more below the flash point of the cleaning solvent (column 4, lines 30-35). Berndt et al. further teach that the main dry cleaning chamber may be constructed of polyethylene.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the dry cleaning methods of Estes by incorporating into the apparatus the polyethylene chamber of Berndt because Berndt teaches that the device is useful as a non-rusting conventional chamber material. One of ordinary skill would also have been motivated to control the temperature of the dry cleaning fluids to below 30°F of the flash point of the solvent because Berndt teaches the criticality of temperature control (column 6, lines 1-6).

16. Claims 1-4 and 51-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Estes et al. (US 6,045,588) as applied to the claims above, in view of Sharp et al. (US 5,852,942), the jamplast document (www.jamplast.com/plastic_data_PP2.htm) and Radomyselski (US 2003/0226214).

Estes et al. are relied upon as set forth above.

Estes et al. do not teach conductive polymers which dissipate static electricity.

Sharp et al. teach the washing machine tub chamber may be constructed of polypropylene (column 4, lines 15-30). The jamplast document teaches that polypropylene is excellent in static dissipation (pages 1 and 2). Radomyselski teach that dry cleaning can be done in conventional washing machines (page 4, paragraph 0057).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the dry cleaning methods of Estes by incorporating into the apparatus the polypropylene chamber of Sharp because Sharp teaches that the polypropylene tubs are conventional as washer tubs and polypropylene is useful as a resiliently flexible material for laundering. Radomyselski teach that dry cleaning can be done in conventional washing machines. The jamplast document teaches that polypropylene is excellent in static dissipation. One of ordinary skill would have been motivated to combine the teaching of the references absent unexpected results.

17. Claims 1-4 and 51-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Estes et al. (US 6,045,588) in view of Barnish et al. (US 3,477,259), the jamplast document (www.jamplast.com/plastic_data_PP2.htm) and Radomyselski (US 2003/0226214).

Estes et al. are relied upon as set forth above.

Estes et al. do not teach conductive polymers which dissipate static electricity.

Barnish et al. teach the washing machine tub chamber may be constructed of polypropylene (column 2, lines 40-50). The jamplast document teaches that polypropylene is excellent in static dissipation (pages 1 and 2). Radomyselski teach that dry cleaning can be done in conventional washing machines (page 4, paragraph 0057).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the dry cleaning methods of Estes by incorporating into the apparatus the polypropylene chamber of Barnish because Barnish teaches that the

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polypropylene tubs are preferred as washer tubs and have a high thermal degree of expansion compared to steel. Radomyselski teach that dry cleaning can be done in conventional washing machines. The Jamplast document teaches that polypropylene is excellent in static dissipation. One of ordinary skill would have been motivated to combine the teaching of the references absent unexpected results.

18. Claims 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Estes et al. (US 6,045,588) in view of Evers et al. (US 2003/0097718) and further in view of Check (US 4,345,297).

Estes et al. and Check et al. are relied upon as set forth above. Estes et al. further teaches dispensing chambers for spray or mist delivery of wash liquor which comprises the washing additive (column 3, lines 25-50; Figure 3, #43).

Estes et al. and Check et al. do not teach methods of cleaning comprising water-in working fluid emulsions.

Evers et al., in the analogous art of dry cleaning methods, teaches methods of cleaning first comprising a non-aqueous dry cleaning step, followed by a semi aqueous dry cleaning step comprising treating fabric with water a surfactant and a co-solvent (column 2, paragraphs 0018-0027) or reversing the treatment order.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the dry cleaning methods taught by Estes et al. and Check et al. by incorporating a water-in working fluid treatment step as taught by Evers et al. because Evers et al. teaches the utility of applying low aqueous treatment steps to

efficiently dry clean fabric articles. One of ordinary skill in the art would be motivated to combine the teaching of the references absent unexpected results.

19. Claims 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Estes et al. (US 6,045,588) in view of Evers et al. (US 2003/0097718) and in view of Nakagawa (JP 403128098).

Estes et al. and Nakagawa are relied upon as set forth above.

Estes et al. and Nakagawa do not teach methods of cleaning comprising water-in working fluid emulsions.

Evers et al., in the analogous art of dry cleaning methods, teaches methods of cleaning first comprising a non-aqueous dry cleaning step, followed by a semi aqueous dry cleaning step comprising treating fabric with water a surfactant and a co-solvent (column 2, paragraphs 0018-0027) or reversing the treatment order.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the dry cleaning methods taught by Estes et al. and Nakagawa by incorporating a water-in working fluid treatment step as taught by Evers et al. because Evers et al. teaches the utility of applying low aqueous treatment steps to efficiently dry clean fabric articles. One of ordinary skill in the art would be motivated to combine the teaching of the references absent unexpected results.

20. Claims 9,10,27 and 57-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Estes et al. (US 6,045,588), Check (US 4,345,297) and Evers et al.

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(US 2003/0097718), as applied to the claims above, and further in view of Fyvle et al. (US 2004/0117920).

Estes et al., Check and Evers et al. are relied upon as set forth above. Estes further teaches spinning the fabric before adding the cleaning fluid (figure 9).

Estes et al., Check and Evers et al. do not teach dry cleaning methods comprising sensing means.

Fyvle et al., in the analogous art of dry cleaning methods, teaches temperature sensors (page 8, paragraph 0073), conductivity and humidity sensors and solvent moisture sensors (page 9, paragraph 0081; page 10, paragraphs 0092-0093).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the cleaning methods taught by Estes et al., Check, and Evers et al. by incorporating the temperature, solvent/moisture, humidity and conductivity sensing steps as taught by Fyvle et al. because Fyvle teaches the utility of sensing the above mentioned parameters to provide more efficient cleaning of fabric articles. One of ordinary skill in the art would be motivated to combine the teaching of the references absent unexpected results.

Regarding the limitation of removing water prior to contacting the fabric with the cleaning fluid, this would be obviously taught by Estes because Estes teaches spinning the fabric before treating it with fluid. The contact with air would be functionally equivalent to drying and obviously remove water.

21. Claims 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Estes et al. (US 6,045,588) in view of Evers et al. (US 2003/0097718) and further in view of Barnish et al. (US 3,477,259) and the jamplast document (www.jamplast.com/plastic_data_PP2.htm) as applied to the claims above.

Estes et al., Barnish et al. and the jamplast document are relied upon as set forth above. Estes et al. further teaches dispensing chambers for spray or mist delivery of wash liquor which comprises the washing additive (column 3, lines 25-50; Figure 3, #43).

Estes et al., Barnish et al and the jamplast document do not teach methods of cleaning comprising water-in working fluid emulsions and conductive polymers.

Evers et al., in the analogous art of dry cleaning methods, teaches methods of cleaning first comprising a non-aqueous dry cleaning step, followed by a semi aqueous dry cleaning step comprising treating fabric with water a surfactant and a co-solvent (column 2, paragraphs 0018-0027) or reversing the treatment order.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the dry cleaning methods taught by Estes, Barnish and the jamplast document by incorporating a water-in working fluid treatment step as taught by Evers et al. because Evers et al. teaches the utility of applying low aqueous treatment steps to efficiently dry clean fabric articles. One of ordinary skill in the art would be motivated to combine the teaching of the references absent unexpected results.

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22. Claims 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Estes et al. (US 6,045,588) in view of Evers et al. (US 2003/0097718) and further in view of Sharp et al. (US 5,852,942) and the jamplast document (www.jamplast.com/plastic_data_PP2.htm) as applied to the claims above.

Estes et al., Sharp et al. and the jamplast document are relied upon as set forth above. Estes et al. further teaches dispensing chambers for spray or mist delivery of wash liquor which comprises the washing additive (column 3, lines 25-50; Figure 3, #43).

Estes et al., Sharp et al and the jamplast document do not teach methods of cleaning comprising water-in working fluid emulsions and conductive polymers.

Evers et al., in the analogous art of dry cleaning methods, teaches methods of cleaning first comprising a non-aqueous dry cleaning step, followed by a semi aqueous dry cleaning step comprising treating fabric with water a surfactant and a co-solvent (column 2, paragraphs 0018-0027) or reversing the treatment order.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the dry cleaning methods taught by Estes, Sharp and the jamplast document by incorporating a water-in working fluid treatment step as taught by Evers et al. because Evers et al. teaches the utility of applying low aqueous treatment steps to efficiently dry clean fabric articles. One of ordinary skill in the art would be motivated to combine the teaching of the references absent unexpected results.

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23. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Estes et al. (US 6,045,588) in view of Evers et al. (US 2003/0097718), and further in view of Berndt et al. (US 6,059,845).

Estes et al. and Berndt are relied upon as set forth above.

Estes et al. and Berndt do not teach methods of cleaning comprising water-in working fluid emulsions.

Evers et al., in the analogous art of dry cleaning methods, teaches methods of cleaning first comprising a non-aqueous dry cleaning step, followed by a semi aqueous dry cleaning step comprising treating fabric with water a surfactant and a co-solvent (column 2, paragraphs 0018-0027) or reversing the treatment order.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the dry cleaning methods taught by Estes and Berndt by incorporating a water-in working fluid treatment step as taught by Evers et al. because Evers et al. teaches the utility of applying low aqueous treatment steps to efficiently dry clean fabric articles. One of ordinary skill in the art would be motivated to combine the teaching of the references absent unexpected results.

24. Claims 34,44,45 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Estes et al. (US 6,045,588), Berndt (US 6,059,845) and Evers et al. (US 2003/0097718), as applied to the claims above, and further in view of Fyvie et al. (US 2004/0117920).

Estes et al., Berndt and Evers et al. are relied upon as set forth above.

Estes et al., Berndt and Evers et al. do not teach dry cleaning methods comprising sensing means.

Fytle et al., in the analogous art of dry cleaning methods, teaches temperature sensors (page 8, paragraph 0073), conductivity and humidity sensors and solvent moisture sensors (page 9, paragraph 0081; page 10, paragraphs 0092-0093).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the cleaning methods taught by Estes et al., Berndt, and Evers et al. by incorporating the temperature, solvent/moisture, humidity and conductivity sensing steps as taught by Fytle et al. because Fytle teaches the utility of sensing the above mentioned parameters to provide more efficient cleaning of fabric articles. One of ordinary skill in the art would be motivated to combine the teaching of the references absent unexpected results.

Response to Arguments

25. Applicant's arguments filed regarding Estes in view of Evers as applied to the rejections above have been fully considered but they are not persuasive. The applicant argues that Evers disclose fabrics treated in sequence with non-aqueous and semi-aqueous cleaning steps, while the applicant's application of working fluid and water-in working fluid emulsion is simultaneous. As a general rule, no invention is involved in the broad concept of performing simultaneously operations which have previously been performed in sequence ." *In re Tatincloux and Guy*, 108 USPQ 125(CCPA 1955). The rejections are maintained.

26. Applicant's arguments filed regarding Fyvie as applied to the rejections above have been fully considered but they are not persuasive. The applicant argues that Fyvie does not teach sensing humidity in the wash chamber or prior to washing. The examiner argues that Fyvie clearly teaches a humidity sensor in the cleaning basket which senses humidity at the start of the cleaning cycle (page 9, paragraph 0081 and 0083; page 11, paragraph 0095). The rejections are maintained.

Conclusion

27. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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28. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amina Khan whose telephone number is (571) 272-5573. The examiner can normally be reached on Monday through Friday, 8:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas McGinty can be reached on (571) 272-1029. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AK

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April 16, 2006

Lorna M. Douyon
LORNA M. DOUYON
PRIMARY EXAMINER